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THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Joint written statement submitted by Habitat International Coalition, a non-governmental organization in consultative status (category) II

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[4 August 1994]

The status of the Palestinian minority in Israel

1. Habitat International Coalition (HIC) is concerned about the land and housing crisis facing the Palestinian minority in Israel. Discriminatory attitudes towards this community have prevailed since 1948, and threaten the realization of economic, social and cultural rights. HIC believes that Israeli government practices are inconsistent with article 11 (1) of the International Covenant on Economic, Social and Cultural Rights, and article 5(e) of the International Convention on the Elimination of All Forms of Racial Discrimination, HIC submits the present statement as an initial step in drawing international attention to these urgent issues.

2. The Palestinian Arabs in Israel number 850,000 and form a substantial minority, accounting for 18 per cent of all Israeli citizens. Yet, Israel takes no account of them when it defines the country as a Jewish State. The marginalization of the Palestinian minority is the result of a system which is geared exclusively to meeting the needs of the Jewish majority.

3. After the events of 1948, of the 500 Arab localities that were in existence, only 100 remained. The 75,000 Palestinians who were forcibly evicted from villages and towns, but who remained within the State of Israel, were denied the right to return and dispossessed of their land by the Absentee Property Owners Law 1950. Under this law, Palestinians lost over 40 per cent of their land assets. Seizures also included, over 17,500 acres of Waqf property donated by the faithful for the benefit of the Muslim community.

4. By 1953, 93 per cent of land was concentrated in State hands and is the subject of the Israeli Lands Basic Law, which prohibits the transfer of such land, by sale or other means, to individuals and, therefore, to its rightful owners. Additional land expropriations and forced evictions of Arabs continue to the present day. They are motivated by the policy of Judaization of the areas in which the Arab population remains in the majority. For example, through the manipulation of local authority boundaries, Misgav Regional Council was created as a community base for the small Jewish "look-out" settlements in the Galilee. It claims over 180,000 acres for a population of 4,000, whilst the 22 Arab councils, to whom much of this land previously belonged, have just 17,500 acres for a combined population of 120,000.

5. A large proportion of former Arab land is now owned by national institutions such as the Jewish National Fund (JNF) and the Jewish Agency (JA). These institutions have almost identical Constitutions: the Memorandum of Association of the JNF states as its principal object "the settlement of Jews", which is construed to mean that land belonging to the JNF must not be leased to Arabs. The status of these institutions as private entities allows them to practise discrimination with impunity, as demonstrated by the actions of the Jewish Agency, which recently prevented an Arab couple from purchasing a house constructed on State land and financed from public taxation.

6. The right to adequate housing is most blatantly challenged with respect to the 50,000 Arab Palestinian citizens who inhabit the so-called "unrecognized villages". These villages do not appear on any map, even though many have been in existence since before the formation of the Israeli State, or have been established by the internally displaced persons of 1948. Their unrecognized status results in the denial of basic services. A sample of 30 such villages, having a total population of 4,000, showed that none was connected to sewage systems or had medical clinics; 4 had schools, 2 had transport to schools, 2 had electricity and 16 were connected to water. Recognition of villages is within ministerial discretion and is often withheld from Arab villages, on the grounds of size. Yet, 85 settlements of less than 100 inhabitants are recognized and have access to services, but of these 83 are Jewish.

7. In 1986 an inter-ministerial commission was established to investigate, "illegal construction in the Arab sector". In consequence, the Marcovitch report was produced, which classified certain villages and hamlets as "Grey

Areas", meaning that they should be demolished after a grace period of two to five years. During this time no repairs were to be permitted and any house deemed unsafe would be immediately destroyed. In all, 13,437 houses were issued with demolition orders. Implementation of the policy began in 1988, with the destruction of 33 houses. Not all the orders have been carried out, but they are still in existence and contribute to the creation of insecurity for the residents.

8. In 1991, the villagers of Ramya located near Carmiel, Galilee, were issued with court eviction orders, to make way for the building of apartments for new Jewish immigrants. Similarly, government policy in the Negev is indefensible; 42,000 Bedouin live in settlements deprived of basic services. This is to encourage the resettlement of the community into seven urban areas, thereby freeing Bedouin lands for Jewish development. In the planned urban centres, no effort was made to accommodate the agricultural lifestyles of the Bedouin, nor to create any alternative employment. Furthermore, following the Marcovitch report, in 1988/1989, 451 demolitions were carried out by the authorities and by the owners themselves in compliance with court orders.

Housing density and population group 1991, persons per room

	[-1.00]	[1-1.99]	[2-2.99]	[3.00+]
Arabs:	12.1	47.3	28.0	12.1
Jews:	40.6	51.0	7.3	1.1

9. The poor housing conditions and substantial overcrowding that exist in the Arab sector are attributable to a number of factors. Firstly, land confiscations have reduced average per capita ownership of land by Arabs from 4.75 acres in 1945 to 0.85 acres in 1950, to under 0.25 acres today. Secondly, since 1948 the Arab population has doubled five times. Along with the young age of the Arab population, this has produced a high degree of new household formation. Thus, the average number of persons per household in the Arab sector is 5.47, as compared with 3.41 in the Jewish sector.

10. In spite of this, there is limited public sector involvement in the provision of housing for the Arab minority. In 1988, the Arab sector benefited from only 0.8 per cent of all housing projects in the country. In 1990, following Jewish immigration, there were six times as many housing projects, but of the new housing in cities, not one project was for an Arab locality.

11. In the mixed cities, the inadequacy of housing is of great concern. For example, in the Old City of Acre, where a large proportion of Arabs live, the density index is 8 square metres per person, whilst for the Arab population in the country as a whole, it is 19 square metres and for the Jewish population, it is 30 square metres. Deliberate rejection of applications to renovate buildings which are centuries old is rendering homes uninhabitable and endangering the lives of the occupants, as was shown by the recent collapse of houses in the city.

12. The market for housing offers no visible relief for Arabs who are landless. Demand from new Jewish immigrants, whose financial position is enhanced by State aid, has significantly raised the price of housing. Given that 40 per cent of Arab families live below the poverty line (although they account for 10 per cent of all families in the State), homes are out of the reach of many. Furthermore, the State officially advocates private discrimination in the market by supporting Jewish home-owners who give preference to new immigrants when selling or leasing their property.

Conclusion

13. The presentation of these facts concerning land and housing conditions demonstrates that the right to adequate housing is denied to the Palestinian minority in Israel. It is clear that important principles such as non-discrimination, equality in land relations and the protection of minorities are seriously violated. We believe that the continuance of land confiscation, denial of recognition of Arab villages and the eviction of Arab residents by various means are gross violations of economic, social and cultural rights.

14. Habitat International Coalition draws the attention of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the consistent Israeli practice of discrimination against Palestinian citizens and urges the United Nations Special Rapporteur on the Right of Adequate Housing, Justice Rajindar Sachar, to mention the violations, including land confiscation, forced evictions and the deliberate neglect of the basic needs of the Palestinian minority, in his reports and to give special attention to the measures required for the realization of these basic rights and principles by national minorities.